

January 10, 2008

Mr. Steve Troxler  
Secretary of Dept. of Agriculture  
PO Box 27647  
Raleigh, NC 27611

Re: Rules for euthanasia and animal shelters

Dear Mr. Troxler:

It is my understanding that the Department of Agriculture will be considering rule changes for euthanasia of animals to require lethal injection at a commission meeting to be held in late January or early February. Yadkin County officials are greatly opposed to requiring euthanasia by lethal injection. That is a very expensive proposition. We built a new animal shelter about two years ago at a cost of approximately \$500,000.00, and all animals are kept in heated and air conditioned quarters.

We also purchased a specially designed box from Carolina Veterinary Consulting operated by Ralph W. Houser, DVM, which we are using for euthanasia by carbon monoxide. This box has individual sections so each animal is put into a separate compartment. All of our employees administering euthanasia have had special training in use of the box, and they have to be recertified each year. Several veterinarians have witnessed this process and have given us good reports. Euthanasia by carbon monoxide is approved by the AVMA.

To make this change, which we feel is unnecessary, would greatly add to the tax burden of all citizens of North Carolina since counties and municipalities would have to increase their budgets substantially in order to comply with such a change. Thank you in advance for your consideration in this matter.

With best wishes, I am,

Very truly yours,

James L. Graham  
Yadkin County Attorney

JLG/hg  
cc: Eric Williams, County Manager

**Addendum A**

October 20, 2008

*HAND DELIVERED: Yadkin County Commissioners Meeting - October 20, 2008 - 7:00 pm*

Mr. James L. Graham, Yadkin County Attorney  
Mr. Stan Kiser, Yadkin County Manager  
Yadkinville, NC 27018

Dear: Mr. Graham and Mr. Kiser:

<sup>records</sup>  
Pursuant to the state open law - North Carolina General Statute A-132-1, I am requesting the following public records in electronic format (DVDs provided):

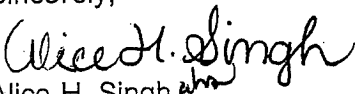
1. Copies of **all** e-mails going **in and out** of the e-mail box addresses provided below. I would like to request all e-mails since the e-mail box address was set up. Please include all attachments. If, there are other e-mail addresses for these individuals other than what I have provided - that are county owned, please provide the same information with the same date requests.
  - Brady Wooten - [bwooten@yadkincountync.gov](mailto:bwooten@yadkincountync.gov)
  - Chad Wagoner - [ccwagoner@yadkincountync.gov](mailto:ccwagoner@yadkincountync.gov)
  - Joel Cornelius - [jcornelius@yadkincountync.gov](mailto:jcornelius@yadkincountync.gov)
  - Kim Clark Phillips - [kphillips@yadkincountync.gov](mailto:kphillips@yadkincountync.gov)
  - Tommy Garner - [tgarner@yadkincountync.gov](mailto:tgarner@yadkincountync.gov)
2. Copies of all documentation the Yadkin County Commissioners used to base their decision on opposing euthanasia by lethal injection in the January 10, 2008 letter to Mr. Steve Troxler that I just read to you "the letter."
3. Copies of all documentation you used to base your decision on the fact this would be a "very expensive proposition."
4. Provide the cost analysis worksheet you used to base your decision on "very expensive proposition."
5. Provide a digital picture showing the individual sections of the gas chamber. I would like to see the compartments you are speaking of in "the letter". Please provide pictures from all angles, including each side, the top, and inside.
6. Records showing that each employee operating the gas chamber has been trained and the cost for the training. Please also include who trained them and the dates they were trained. It appears from the letter they have been "certified."
7. Please provide all documentation that explains why you think the counties would have to increase budgets substantially. Explain what line items you are speaking of in particular that would have be increased substantially as "the letter" states.

For any hard copies you need to provide for items 2 thru 7 above - please contact me if the cost for the copies will exceed \$25.00. There should be no costs associated with the e-mails - because it would simply be a transfer of data to the DVDS that I have provided here tonight.

I am also providing as an attachment to this letter a copy of the letter that I just read and copy of a cost analysis worksheet provided by Doug Fakkema, an expert in the field of euthanasia.

Please have these requested documents and DVDs ready for me to pick up on Thursday, November 6<sup>th</sup> by 9:00 am. If another date arrangement needs to be made, please contact me in writing.

Sincerely,

  
Alice H. Singh  
1409 Forbush Oaks Court  
East Bend, NC 27018

**Addendum B.1**

# SODIUM PENTOBARBITAL COST ANALYSIS MODEL

## EQUIPMENT COST

LINE	DESCRIPTION/COST	FORMULA
1	Equipment cost \$500	Floor safe (\$250) + table (\$50) + electric clippers (\$100) + squeeze gate (\$100)
	Usable life: 10 years	
3	Depreciation, annual: \$50	Cost (\$500) (line 1) ÷ usable life (10 years) (line 2)
4	Depreciation, daily: \$0.19	Annual depreciation (\$50) (line 3) ÷ working days per year (260)
5	Average number of animals euthanized per day: 38.5	Total number of animals euthanized: 10,000 ÷ working days per year (260)
6	Depreciation cost per animal: \$0.005	Daily depreciation (\$0.19) (line 4) ÷ animals euthanized per day (line 5)
7	Maintenance costs per animal: \$0.00	No projected maintenance cost
8	Total equipment cost per animal: \$0.005	Depreciation cost per animal (line 6) + maintenance cost (line 7)

## LABOR COST

9	A. Number of employees required to process IV: 2 B. Number of employees to process IP: 1	Note: One employee can process an adult dog if pre-euthanasia drugs are used
10	A. Number of IV injections: 5,100 B. Number of IP injections: 4,900	A. 5,100 = 600 dogs less estimated number of puppies (900) (15%) B. 4,900 = 4,000 cats + estimated number of puppies (900)
11	Average single processing period: 2 minutes	Transport to euthanasia room + preparation and injection + verification of death + removal of carcass + record keeping. Note: Average time to process cats, kittens, and puppies (IP injections) will be much less than 2 minutes each
12	Number of animals per single processing period: 1	
13	Total processing time: 77 minutes	Number of animals per day (line 5) x single processing period (2 minutes) (line 11)
14	Labor cost per dog (IV): \$0.77	Hourly wage (include fringe): \$11.58 ÷ 60 minutes x number of employees required to process (2) (line 9A) x 2 (number of minutes to process) (line 11)
15	Labor cost per cat, kitten, puppy, etc. (IP): \$0.386	Hourly wage (include fringe): \$11.58 ÷ 60 minutes x number of employees required to process (1) (line 9B) x 2 (number of minutes to process) (line 11)
16	Total annual labor for processing (IV): \$3,927.00	Labor cost per dog (line 14) x number of dog (IV) injections (line 10A)
17	Total annual labor cost for processing (IP): \$1,891.40	Labor cost per cat, kitten, puppy, etc. (IP) (line 15) x number of IP injections (line 10B)

# SODIUM PENTOBARBITAL COST ANALYSIS MODEL

## SUPPLY COST

## FORMULA

19	Sodium pentobarbital cost per 250 ml bottle: \$27.00	
20	Cost per ml (cc): \$0.08	Cost of bottle (\$27.00) ÷ 250 ml
21	Average dose per animal: 5 ml	50 pound dog
22	Sodium pentobarbital cost per animal: \$0.54	Cost per bottle (\$27.00) ÷ doses per bottle (50) (based on 50 pound dog)
23	Syringe cost per animal: \$0.0015	Syringe (6ml) cost: \$17 per 100 (\$0.17 each) estimates 100 uses per syringe
24	Needle cost per animal: \$0.092	Needle (22 ga.) cost: \$9.20 per 100 (one use only)
25	Cost per animal for pre-euthanasia drug: \$2.65	5:1 ratio of ketamine hd/xylazine (100 mg) per 50 pound dog as needed (estimate 1 adult dog in 25 - not needed for cats)
26	Number of dogs needing pre-euthanasia anesthesia: 204	Total number of adult dogs euthanized: 5,100 x .04
27	Total cost of pre-euthanasia drug: \$541	Cost per animal (\$2.65) (line 25) x number of dogs needing pre-euthanasia drug (line 26)
28	Average cost per total animals euthanized for pre-euthanasia drug: \$0.054	Total cost of pre-euthanasia drug (line 27) ÷ total number of animals euthanized
29	Per use cost of needle/syringe for pre-euthanasia drug: \$0.094	Cost of syringe (\$0.0015) (line 23) + needle (\$0.092) (line 24)
30	Total cost of needle/syringe for pre-euthanasia drug: \$19.18	Cost of needle/syringe (\$0.094) (line 29) x number of dogs needing pre-euthanasia anesthesia (204) (line 26)
31	Average cost per total animals for needle/syringe for pre-euthanasia drug: \$0.0019	Total cost of needle/syringe (line 30) ÷ total number of animals euthanized
32	Total supply cost per animal: \$0.689	Sodium pentobarbital per animal (line 22) + syringe (line 23) + needle (line 24) + pre-euthanasia drug (line 28) + pre-euthanasia needle/syringe (line 31)
33	Total cost per animal: \$1.27	Equipment cost per animal (line 8) + labor cost per animal (line 18) + supply cost per animal (line 32)

## SUMMARY

34	Cost per year: Carbon Monoxide: \$13,230	Cost per animal (CO line 22) x number of animals euthanized: 10,000
35	Cost per year: Sodium Pentobarbital: \$12,700	Cost per animal (line 33) x number of animals euthanized: 10,000

## Addendum B.2

### CARBON MONOXIDE COST ANALYSIS MODEL

#### EQUIPMENT COST

LINE	DESCRIPTION/COST	FORMULA
1	Original cost of unit: \$6,000 Usable life: 10 years	
2	CO room sensor cost: \$500 Usable life: 10 years	
3	Depreciation, annual: \$650	Cost of unit (line 1) ÷ CO
4	Depreciation, daily: \$2.50	Annual depreciation (line 3) ÷ working days per year (260)
5	Average number of animals per day euthanized: 38.5	Total number of animal euthanized: 10,000 (6,000 dogs/4,000 cats) ÷ working days per year (260)
6	Depreciation cost per animal: \$0.065	Daily depreciation (line 4) ÷ animals per day euthanized (line 5)
7	Maintenance cost per animal: \$0.05	Maintenance cost per year: \$500 ÷ animals per year euthanized
8	Equipment cost per animal: \$0.115	Depreciation cost per animal (line 6) + maintenance cost (line 7)

### CARBON MONOXIDE COST ANALYSIS MODEL

#### LABOR COST

LINE	DESCRIPTION/COST	FORMULA
9	Number of employees required to process: 1	
10	Average single processing period: 30 minutes	4 minutes load and start + 20 minutes operating cycle + 6 minutes unload and clean
11	Average number of animals per cycle: 6 animals (4-5 dogs and 10 cats)	Depends on size of unit—use strictly according to manufacturer's recommendations. Note: Overloading chamber will result in inhumane death
12	Average total processing period: 210 minutes	Average number of animals euthanized (line 5) ÷ number of animals per cycle (line 11). Note: round up to next higher number x processing period (30 minutes) (line 10)
13	Labor cost per minute: \$0.193	Average hourly wage (including fringe cost): \$11.58 ÷ 60 minutes
14	Total labor cost for entire processing period: \$40.53	Labor cost per minute (line 13) x processing time (line 12)
15	Labor cost per animal: \$1.05	Labor cost for processing (line 14) ÷ number of animals euthanized per day (line 5)

#### SUPPLY COST

16	Cost per CO cylinder: \$100	Cost of gas + cylinder rental
17	Number of cylinders used per year: 17.3 cylinders	
18	Total cost of CO: \$1,730	Cost per cylinder (line 16) x number cylinders (line 17)
19	Number of cylinders used per year: 1,820 cycles	Average number of animals euthanized per day (line 5) ÷ number of animals per cycle (line 11). Note: round up to next higher number x number of work days (260)
20	Gas cost per cycle: \$0.95	Total cost of CO (line 18) ÷ number of cycles per year (line 19). Note: 6% concentration required
21	Gas cost per animal: \$0.158	Gas cost per cycle (line 20) ÷ number of animals per cycle (line 11)

#### TOTAL COST

22	Total cost per animal: \$1.323	Equipment cost (line 8) + labor cost (line 15) + supply cost (line 21) Recommend: .3mg/lb. of acepromazine maleate 10 minutes prior to placing in chamber to reduce vocalization/agitation in dogs. This cost is not factored into this model. See footnote at end of chart for cost information.
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NORTH CAROLINA     )  
                                  )  
YADKIN COUNTY        )

AFFIDAVIT

Peggy S. Boose, being first sworn, hereby deposes and says:

On October 2, 2008 I went to the Planning Department of Yadkin County and requested a copy of the entire file of the rezoning application petition of Yadkin County concerning the County's requested rezoning for land it owns on Hoots Road. I was given a copy of an application petition for rezoning filed by Yadkin County on August 13, 2008, various application materials including maps and drawings of a proposed site plan for building for a new jail on the site, and a copy of the official minutes of the September 8, 2008 meeting of the Planning Board. I attach a copy of the said official minutes hereto as Exhibit A and incorporate them herein by reference.

Thereafter on October 7, 2008, several other residents and property owners in Yadkin County and I filed an Appeal of this Planning Board decision pursuant to the Yadkin County Zoning Ordinance with the Zoning Administrator, and we attached a copy of these official minutes of the Planning Board to the said Appeal.

Later, when I learned that the Zoning Administrator has made no response whatsoever to our Appeal, we served a copy of this Appeal as well as a Notice on the Board of Commissioners on Friday morning, October 17, 2008.

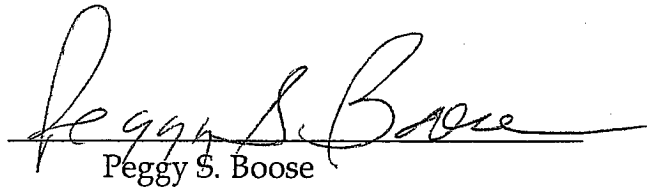
When it became obvious that the Board of County Commissioners was going to conduct a public hearing on October 20, 2008 and go forward with this proposed rezoning in spite of our Appeal, I went to the office of the County Manager of Yadkin County on Monday, October 20, 2008 and requested a copy of the agenda materials that the Board was going to consider at their meeting. I found in these materials an entirely new set of "minutes" and other new materials of the Planning Board meeting of September 8, 2008 that was considerably different from the official Planning Board minutes and materials I had received on October 2, 2008. I attach a copy of these new "minutes" and materials as Exhibit B and incorporate them herein by reference.

In our Appeal, we had detailed the many violations of the Zoning Ordinance by the Planning Board and listed these exact violations in the Appeal. Now, as you can easily see, these new "minutes" and new materials contain references to a lot of "findings and recommendations" by the Planning Board purporting to indicate these were made at the September 8, 2008 meeting. Many of these new statements in the new "minutes" and new materials were the exact violations we have pointed out in our Appeal, and none of these were referenced whatsoever in the official minutes attached as Exhibit A.

It is beyond my comprehension that the Planning Board would have made all these detailed findings and recommendations at the September 8, 2008 meeting, and the official minutes (Exhibit A) that were made and issued did not consider these findings and recommendations to be important enough to detail in any manner whatsoever.

I ask that the Board of Commissioners carefully examine the facts concerning all of this and postpone any consideration of the rezoning issue until the Board has learned the true facts of the matter.

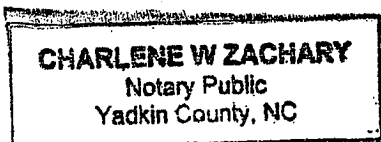
This the 20<sup>th</sup> day of October, 2008.

  
Peggy S. Boose

Sworn to and subscribed before me  
this 20th day of October, 2008.

Charlene W. Zachary (Seal)  
Notary Public

My Commission expires: Sept. 26, 2013





# YADKIN COUNTY

Planning and Development

EXHIBIT A pg. 1 of 1

Kim Bates, AICP  
Director

## Yadkin County Planning Board: Meeting Minutes, September 8, 2008

1) Call to Order and Attendance.

Chairman Barry Hennings called the meeting to order at 7:01 PM. Attendance was noted:

Members Present: Chairman Barry Hennings, Vice Chairman Marion Welborn, Charles Holden, Jerry Hutchens, Bob Reinhardt

Members Absent: Athalee Dinkins, Mark Hollar

Voting alternates: No alternates needed

Others Present: Staff Members Kim Bates, Melanie Yates

- 2) Consideration and Acceptance of Minutes. August 11, 2008 corrections to minutes were as follows- in item 1. change 'Honorary Chairman Mark Holla'r to 'Chairman Barry Hennings opened the meeting', and in item 5. change 'dangers' to 'disadvantages'. The meeting minutes were accepted with changes.

3) Proposed Zoning Map Amendment. Yadkin County Body Politic.

Bates explained to the Board that this item needed to be reviewed by them and they had a thorough site plan provided by the applicant. He stated that the process for this conditional rezoning follows the same guidelines as a conventional rezoning except they recommend conditions to be placed on the property. He stated that if the petition is approved they will not be required to obtain zoning compliance permits. The Board discussed various issues with the staff including an existing easement, existing buffering, proposed buffering, and lighting requirements.

Holden moved to recommend adoption of rezoning from HB to MI-1-CD with conditions:

1. The Architects' Site Plan as submitted, reviewed and approved by the Yadkin County Planning Staff, Planning Board and County Commission, with revisions as listed below:
2. Outdoor lighting shall be designed to limit brightness at the property lines preferably to zero foot-candles, and no more than 1 foot-candle.
3. Outdoor lighting shall be shielded so that light sources are not visible at the property line.
4. Buffering shall meet the requirements of Article 19, Section 3 of the zoning ordinance, on all sides including the front side facing Butler Road, using existing natural buffering where it can be preserved at a 20-foot width per ordinance specifications.
5. The planted evergreen buffer shall be spaced to form a solid barrier within three (3) years, as would be reasonably predicted for the species planted. The side buffer shall extend as near to the front (Butler Road) property line as possible, while preserving the required minimum sight triangle for ingress/egress as specified by the NC Department of Transportation.

second by Hutchens.

Passed 3-2

Welborn and Reinhardt oppose.

4) Proposed Text Amendment, Articles 11, 17, and 21. Text Amendments Zoning Ordinance

Bates told the Board due to the upcoming vote Drinking Establishments as provided in the Zoning Ordinance should be addressed. Bates proposed that it be a Conditional Use in the Highway Business Districts, which would change it from being permitted by right in that district. He also addressed the conditions to put with them, and to add a definition in Article 21. The Board discussed changes of site requirements of Drinking Establishments in Article 17. Board wanted to modify the site consideration requirements to shall not be located within 250 feet from other drinking establishments, and 1000 feet from church, synagogue, temple, nursery school, day care center



**YADKIN COUNTY**  
Planning and Development

EXHIBIT A pg. 2 of 2

Kim Bates, AICP  
Director

(child/adult), or public or private school, in all zoning districts. Second screening shall comply with Buffering and Screening requirements of Article 19. In addition, outdoor activities associated with the Drinking Establishment shall be screened with a six (6) foot high opaque fence. Last the required plan item number 1. change to property within 1000 feet.

Welborn moved to recommend adoption by adding Drinking Establishments to Article 21, DEFINITIONS, add Drinking Establishment conditions to Article 17. CONDITIONAL USES with changes and add Drinking Establishments as a Conditional Use in Article 11. TABLE OF USES in HB; second by Reinhardt.

Passed 5-0.

- 5) **Proposed Text Amendment.** Condensation of Zoning Ordinance, Manufacture Home Ordinance, and Zoning Ordinance.  
This item was tabled until the October 13, 2008 Meeting.
- 6) **Other Business.**  
No other business was discussed.
- 7) **Adjournment** The meeting adjourned at 8:35 PM





**YADKIN COUNTY**  
**Planning and Development**

EXHIBIT B PG. 1 OF 5

Kim Bates, AICP  
Director

**Staff Report, Petition for Conditional Rezoning of Parcel #489600851219**

**Public Hearing Scheduled:** October 20, 2008, 7:00 PM

**Petitioners/Owners:** Yadkin County Administration. **Assessed value:** \$37,012.

**Property Location:** Hoots Road @ Butler Road; 2.50 miles southwest of Central Yadkinville; 0.50 mile (driving) from Highway 421/Reavis Rd interchange. Yadkinville Fire District.

**Property Description:** Approx. 10 contiguous acres, about 650 feet road frontage on the south side of Hoots Road, and about 500 feet road frontage the west side of Butler Road. Partially wooded with rolling topography. No structures.

**Surrounding Zoning Districts:** Highway Business (HB) to the west and north, Manufacturing Industrial One (MI-1) to the south and Northeast, Manufactured Home Park (MHP) to the east

**Surrounding Land Uses:** Residential to the east and west, industrial to the west, south and northeast, vacant land to the north and northwest.

**Reclassification Requested:** From Highway Business (HB) to Manufacturing Industrial One-Conditional District (MI-1-CD)

**Proposed District Described:** Article 16 of the Zoning Ordinance provides for creation of Parallel Conditional Districts -- effectively very specific single-use districts that incorporate into county ordinance submitted project plans and development conditions. The proposed MI-1-CD District would limit construction and use to a County Jail facility, subject to adopted plans and conditions for said construction and use.

**Planning Board  
Recommendation:**

The Planning Board reviewed the petition and site plan on September 8, 2008, and by 3-2 vote (Hennings, Holden, and Hutchens in favor, Welborn and Reinhardt opposed) recommend approval and adoption of the proposed zoning reclassification to MI-1-CD as described, subject to the following conditions:

1. The Architects' Site Plan as submitted and reviewed by the Yadkin County Planning Staff, Planning Board and County Commission, with revisions as listed below:
2. Outdoor lighting shall be designed to limit brightness at the property lines preferably to zero foot-candles, and no more than 1 foot-candle.
3. Outdoor lighting shall be shielded so that light sources are not visible at the property line.
4. Buffering shall meet the requirements of Article 19, Section 3 of the zoning ordinance, on all sides including the front side facing Butler Road, using existing natural buffering where it can be preserved at a 20-foot width per ordinance specifications.
5. The planted evergreen buffer shall be spaced to form a solid barrier within three (3) years, as would be reasonably predicted for the species planted. The side buffer shall extend as near to the front (Butler Road) property line as possible, while preserving the required minimum sight triangle for ingress/egress as specified by the NC Department of Transportation

P.O. Box 1688, 213 E. Elm Street, Yadkinville, N. C. 27055, Telephone #: (336) 679-4243, Fax#: (336) 679-2942

September 8, 2008

YADKIN COUNTY PLANNING BOARD

Statement of Zoning Consistency pursuant to G.S. 153A-341

Re: Proposed Conditional Rezoning of about 10 acres, being All of Parcel # 489600851219, about two miles west of Yadkinville at Hoots and Butler Roads, from the Highway Business (HB) District to the Manufacturing Industrial One-Conditional (MI-1-CD) District; for the purpose of building a County Jail Facility.

We the Planning Board of Yadkin County have reviewed and considered proposed site plans and have recommended conditions, under which we feel a jail facility may be built on the above referenced site. We find the site to be reasonably located for such a use, in an area central to the population it serves, and we find in the submitted plans and conditions adequate provision for access, parking, buffering/screening and utilities. We find that the proposed project would be built on land owned by the County and previously reserved in anticipation of future public/semi-public needs. The above findings are consistent with guidelines set forth for public uses in Section 5.7.6 (pages 75 and 76) of the Yadkin County Land Use Plan.

We recommend that the proposed rezoning, if approved, be made subject to strict and permanent adherence to the following conditions:

1. The Architects' Site Plan as submitted, reviewed and approved by the Yadkin County Planning Staff, Planning Board and County Commission, with revisions as listed below:
2. Outdoor lighting shall be designed to limit brightness at the property lines preferably to zero foot-candles, and no more than 1 foot-candle.
3. Outdoor lighting shall be shielded so that light sources are not visible at the property line.
4. Buffering shall meet the requirements of Article 19, Section 3 of the zoning ordinance, on all sides including the front side facing Butler Road, using existing natural buffering where it can be preserved at a 20-foot width per ordinance specifications.
5. The planted evergreen buffer shall be spaced so as to form a solid barrier within three (3) years, as reasonably predicted for the species planted. The side buffer shall extend as near to the front (Butler Road) property line as possible, while preserving the required minimum sight triangle for ingress/egress as specified by the NC Department of Transportation.

We consider the proposed rezoning, as conditioned above, to be reasonable and in the public interest.

We advise that a public hearing, to consider legislative adoption of the above, should be scheduled for the next regular evening meeting of the County Commissioners.



**YADKIN COUNTY**  
Planning and Development

EXHIBIT B PG. 5 OF 5

Kim Bates, AICP  
Director

Approved and Official as of October 13, 2008

**Yadkin County Planning Board: Meeting Minutes, September 8, 2008**

- 1) **Call to Order and Attendance.**  
Chairman Barry Hennings called the meeting to order at 7:01 PM. Attendance was noted:  
Members Present: Chairman Barry Hennings, Vice Chairman Marion Welborn, Charles Holden, Jerry Hutchens, Bob Reinhardt  
Members Absent: Athalee Dinkins, Mark Hollar  
Voting alternates: No alternates needed  
Others Present: Staff Members Kim Bates, Melanie Yates
- 2) **Consideration and Acceptance of Minutes.** August 11, 2008 corrections to minutes were as follows- in item 1. change 'Honorary Chairman Mark Holla'r to 'Chairman Barry Hennings opened the meeting', and in item 5. change 'dangers' to 'disadvantages'. The meeting minutes were accepted with changes.
- 3) **Proposed Zoning Map Amendment.** Yadkin County Body Politic.  
Bates explained to the Board that this item needed to be reviewed by them and they had a thorough site plan provided by the applicant. He stated that the process for this conditional rezoning follows the same guidelines as a conventional rezoning except they recommend conditions to be placed on the property. He stated that if the petition is approved they will not be required by ordinance to obtain zoning compliance permits. The Board discussed various issues with the staff including an existing easement, existing buffering, proposed buffering, and lighting requirements. The Board also discussed the five qualifying statements set forth in Article 4. Section 3. Welborn commented that he did not feel that qualification D had been satisfied.  
  
Holden moved to recommend adoption of rezoning from HB to MI-1-CD with conditions:  
The Architects' Site Plan as submitted and reviewed by the Yadkin County Planning Staff and Planning Board, with revisions as listed below:
  1. Outdoor lighting shall be designed to limit brightness at the property lines preferably to zero foot-candles, and no more than 1 foot-candle.
  2. Outdoor lighting shall be shielded so that light sources are not visible at the property line.
  3. Buffering shall meet the requirements of Article 19, Section 3 of the zoning ordinance, on all sides including the front side facing Butler Road, using existing natural buffering where it can be preserved at a 20-foot width per ordinance specifications.
  4. The planted evergreen buffer shall be spaced to form a solid barrier within three (3) years, as would be reasonably predicted for the species planted. The side buffer shall extend as near to the front (Butler Road) property line as possible, while preserving the required minimum sight triangle for ingress/egress as specified by the NC Department of Transportation.  
Second by Hutchens.  
Bates facilitated a discussion among Board members regarding consistency with the adopted Land Use Plan. The Board produced and approved a statement of consistency to accompany the above conditions and recommendations(s) [SEE ATTACHMENT ONE].  
Passed 3-2  
Welborn and Reinhardt oppose.
- 4) **Proposed Text Amendment, Articles 11, 17, and 21.** Text Amendments Zoning Ordinance  
P.O. Box 1688, 213 E. Elm Street, Yadkinville, N. C. 27055, Telephone #: (336) 679-4243, Fax#: (336) 679-2942

Approved and Official as of October 13, 2008

**Addendum C.7**



**YADKIN COUNTY**  
*Planning and Development*

EXHIBIT B Pg. 4 of 5

Kim Bates, AICP  
Director

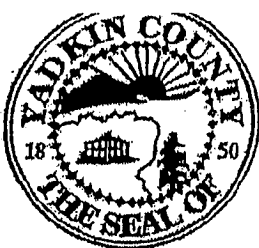
Approved and Official as of October 13, 2008

Bates told the Board due to the upcoming vote Drinking Establishments as provided in the Zoning Ordinance should be addressed. Bates proposed that it be a Conditional Use in the Highway Business Districts, which would change it from being permitted by right in that district. He also addressed the conditions to put with them, and to add a definition in Article 21. The Board discussed changes of site requirements of Drinking Establishments in Article 17. Board wanted to modify the site consideration requirements to shall not be located within 250 feet from other drinking establishments, and 1000 feet from church, synagogue, temple, nursery school, day care center (child/adult), or public or private school, in all zoning districts. Second screening shall comply with Buffering and Screening requirements of Article 19. In addition, outdoor activities associated with the Drinking Establishment shall be screened with a six (6) foot high opaque fence. Last the required plan item number 1. change to property within 1000 feet. Appropriate change to the Table of Uses (Article 11): to change [p] to [c]; and addition of a new Definition for Drinking Establishment to Article 21, were discussed.

Welborn moved to recommend adoption by adding Drinking Establishments to Article 21, DEFINITIONS, add Drinking Establishment conditions to Article 17. CONDITIONAL USES with changes and add Drinking Establishments as a Conditional Use in Article 11. TABLE OF USES in HB; second by Reinhardt.

Passed 5-0.

- 5) **Proposed Text Amendment.** Condensation of Zoning Ordinance, Manufactured Home Ordinance, and Zoning Ordinance.  
This item was tabled until the October 13, 2008 Meeting.
- 6) **Other Business.**  
No other business was discussed.
- 7) **Adjournment** The meeting adjourned at 8:35 PM



**YADKIN COUNTY**  
*Planning and Development*

EXHIBIT IS Pg 5 of 5

Kim Bates, AICP  
Director

Approved and Official as of October 13, 2008

[ATTACHMENT ONE]

September 8, 2008

**YADKIN COUNTY PLANNING BOARD**

**Statement of Zoning Consistency pursuant to G.S. 153A-341**

Re: Proposed Conditional Rezoning of about 10 acres, being All of Parcel # 489600851219, about two miles west of Yadkinville at Hoots and Butler Roads, from the Highway Business (HB) District to the Manufacturing Industrial One-Conditional (MI-1-CD) District; for the purpose of building a County Jail Facility.

We the Planning Board of Yadkin County have reviewed and considered proposed site plans and have recommended conditions, under which we feel a jail facility may be built on the above referenced site. We find the site to be reasonably located for such a use, in an area central to the population it serves, and we find in the submitted plans and conditions adequate provision for access, parking, buffering/screening and utilities. We find that the proposed project would be built on land owned by the County and previously reserved in anticipation of future public/semi-public needs. The above findings are consistent with guidelines set forth for public uses in Section 5.7.6 (pages 75 and 76) of the Yadkin County Land Use Plan.

We recommend that the proposed rezoning, if approved, be made subject to strict and permanent adherence to the following conditions:

The Architects' Site Plan as submitted and reviewed by the Yadkin County Planning Staff and Planning Board, with revisions as listed below:

5. Outdoor lighting shall be designed to limit brightness at the property lines preferably to zero foot-candles, and no more than 1 foot-candle.
6. Outdoor lighting shall be shielded so that light sources are not visible at the property line.
7. Buffering shall meet the requirements of Article 19, Section 3 of the zoning ordinance, on all sides including the front side facing Butler Road, using existing natural buffering where it can be preserved at a 20-foot width per ordinance specifications.
8. The planted evergreen buffer shall be spaced to form a solid barrier within three (3) years, as would be reasonably predicted for the species planted. The side buffer shall extend as near to the front (Butler Road) property line as possible, while preserving the required minimum sight triangle for ingress/egress as specified by the NC Department of Transportation.

We consider the proposed rezoning, as conditioned above, to be reasonable and in the public interest.

We advise that a public hearing, to consider legislative adoption of the above, should be scheduled for the next regular evening meeting of the County Commissioners.

P.O. Box 1688, 213 E. Elm Street, Yadkinville, N. C. 27055, Telephone #: (336) 679-4243, Fax#: (336) 679-2942

Approved and Official as of October 13, 2008  
**Addendum C.9**

October 20, 2008

YADKIN COUNTY BOARD OF COMMISSIONERS

Statement of Zoning Consistency pursuant to G.S. 153A-341

Re: Proposed Conditional Rezoning of about 10 acres, being All of Parcel # 489600851219, about two miles west of Yadkinville at Hoots and Butler Roads, from the Highway Business (HB) District to the Manufacturing Industrial One-Conditional (MI-1-CD) District; for the purpose of building a County Jail Facility.


We the Board of Yadkin County Commissioners have reviewed and considered proposed site plans and have recommended conditions, under which we feel a jail facility may be built on the above referenced site. We find the site to be reasonably located for such a use, in an area central to the population it serves, and we find in the submitted plans and conditions adequate provision for access, parking, buffering/screening and utilities. We find that the proposed project would be built on land owned by the County and previously reserved in anticipation of future public/semi-public needs. The above findings are consistent with guidelines set forth for public uses in Section 5.7.6 (pages 75 and 76) of the Yadkin County Land Use Plan.

We recommend that the proposed rezoning, if approved, be made subject to strict and permanent adherence to the following conditions:

1. The Architects' Site Plan as submitted, reviewed and approved by the Yadkin County Planning Staff, Planning Board and County Commission, with revisions as listed below:
2. Outdoor lighting shall be designed to limit brightness at the property lines preferably to zero foot-candles, and no more than 1 foot-candle.
3. Outdoor lighting shall be shielded so that light sources are not visible at the property line.
4. Buffering shall meet the requirements of Article 19, Section 3 of the zoning ordinance, on all sides including the front side facing Butler Road, using existing natural buffering where it can be preserved at a 20-foot width per ordinance specifications.
5. The planted evergreen buffer shall be spaced so as to form a solid barrier within three (3) years, as reasonably predicted for the species planted. The side buffer shall extend as near to the front (Butler Road) property line as possible, while preserving the required minimum sight triangle for ingress/egress as specified by the NC Department of Transportation.

We consider the proposed rezoning, as conditioned above, to be reasonable and in the public interest.

  
[Chairman]

  
[Date]

A regular meeting of the Board of Commissioners for the County of Yadkin, North Carolina, was held in the Commissioners' Meeting Room in the Yadkin County Human Resources Building at 217 East Willow Street, in Yadkinville, North Carolina, at 7:00 P.M. on October 20, 2008.

Present: Chair Kim Clark Phillips, presiding, and Commissioners Joel Cornelius, Tommy Garner, Chad Wagoner, and Brady Wooten.

There were none absent.

\* \* \* \* \*

Chair Phillips introduced the following resolution, a copy of which had been provided to each Commissioner and which was read by its title:

RESOLUTION MAKING CERTAIN DETERMINATIONS CONCERNING A PROPOSED INSTALLMENT FINANCING AGREEMENT TO FINANCE A PORTION OF THE COST OF A FLOOD CONTROL AND WATER SUPPLY FACILITY.

WHEREAS, the County of Yadkin, North Carolina (the "County") is considering entering into an installment financing agreement and certain related documents pursuant to G.S. §160A-20, as amended, under which the County would obtain financing of a portion of the cost of a project consisting of the construction and other accomplishment of a flood control and water supply facility on South Deep Creek, including the construction of an earthen retaining dam or structure on land that is owned by the County and the acquisition of any necessary interests in land and any equipment therefor (the "Project"), which financing is not expected to exceed \$10,000,000, and it is necessary to take certain related actions at this time;

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Board of Commissioners for the County, as follows:

Section 1. The Board of Commissioners for the County (the "Board of Commissioners") hereby finds and determines in connection with such proposed agreement that (a) the proceeds of such proposed agreement will be used to finance a portion of the cost of the Project to meet an urgent need for improved flood control facilities and an emerging need for additional water supply facilities to serve the residents of the County and, accordingly, such proposed agreement is necessary or expedient for the County, (b) such proposed agreement, under current circumstances, is preferable to a bond issue of the County for financing the same purpose because there is not adequate time to hold a bond referendum, (c) the sums estimated to fall due under such proposed agreement are adequate and not excessive for its proposed purpose because they are based upon construction bids received by the County with respect to the Project, (d) the County's debt management procedures and policies are good and its debt will continue to be managed in strict compliance with the law, (e) any increase in taxes necessary to meet the sums estimated to fall due under such proposed agreement will not be excessive because the County expects that it will not be necessary to increase taxes for such purpose, and (f) the County is not in default regarding any of its debt service obligations.

Section 2. This resolution shall take effect immediately upon its passage.

Upon motion duly made and seconded, the foregoing resolution was passed by the following vote:

Ayes: Chair Phillips, Commissioner Cornelius, Commissioner Garner, Commissioner Wagoner, and Commissioner Wooten.

Noes: There were none.

## **Addendum E.2**



Thereupon, the Chair of the Board of Commissioners for the County of Yadkin, North Carolina (the "County") announced that this was the hour, day and place fixed for the public hearing for the purpose of considering whether the Board of Commissioners for the County should approve a proposed installment financing agreement and certain related documents pursuant to G.S. §160A-20, as amended, for the purpose of providing funds in an amount not to exceed \$10,000,000, with other available funds, for the construction and other accomplishment of the project hereinafter described (the "Project"). The County would secure the repayment by it of moneys advanced pursuant to such proposed agreement by granting a security interest in all or a portion of the Project and certain related property.

The Project consists of the construction and other accomplishment of a flood control and water supply facility on South Deep Creek, including the construction of an earthen retaining dam or structure on land that is owned by the County and the acquisition of any necessary interests in land and any equipment therefor.

Notice of this public hearing was published in The Yadkin Ripple not less than 10 days before the date of this public hearing.

The County Manager and the Finance Officer of the County then described the Project as currently proposed and the current plan of the County to finance a portion of the cost of the Project.

The County Manager and the Finance Officer of the County then presented and described a proposal to finance a portion of the cost of the Project, dated October 6, 2008, as amended, which the County had received from RBC Bank in response to the County's request for such a proposal to finance a portion of the cost of the Project that it had sent to a number of financial institutions. Such proposal (the "Proposal") appears to be the most appropriate of the proposals received by the

### **Addendum E.3**

County to meet its needs under existing circumstances and constitutes the proposed agreement that is the subject of this public hearing.

The Chair of the Board of Commissioners for the County (the "Board of Commissioners") then announced that the Board of Commissioners would immediately hear anyone who might wish to be heard on such matters.

No one appeared; either in person or by attorney, to be heard on such matters and the Clerk to the Board of Commissioners announced that no written statement relating to such matters had been received.

Thereupon, upon motion of Commissioner Wooten, seconded by Commissioner Cornelius, the Board of Commissioners determined to proceed with the proposed financing of a portion of the cost of the Project and approve on a preliminary basis the Proposal to finance a portion of the cost of the Project in an amount not to exceed \$10,000,000 substantially as presented. Such motion was approved by the following vote:

Ayes: Chair Phillips, Commissioner Cornelius, Commissioner Garner, Commissioner Wagoner, and Commissioner Wooten.

Noes: There were none.

Thereupon, the Chair of the Board of Commissioners announced that the public hearing was closed.

\* \* \* \* \*

I, Gina Brown, Clerk to the Board of Commissioners for the County of Yadkin, North Carolina, DO HEREBY CERTIFY that the foregoing is an accurate copy of so much of the recorded minutes of a regular meeting of said Board held on October 20, 2008, said minutes

having been recorded in Minute Book No. 19 as relates in any way to the matters described therein.

I HEREBY FURTHER CERTIFY that a schedule of regular meetings of said Board, stating that regular meetings of said Board are held in the Commissioners' Meeting Room in the Yadkin County Human Resources Building at 217 East Willow Street, in Yadkinville, North Carolina on the first and third Mondays of each month at 9:00 A.M. and 7:00 P.M., respectively, except that regular meetings scheduled to be held on a holiday will be held on the next succeeding day that is not a holiday at the same place and time, has been on file in my office as of a date not less than seven days before the date of said meeting in accordance with G.S. § 143-318.12.

WITNESS my hand and the corporate seal of said County, this 20th day of October 2008.

  
Clerk to the Board of Commissioners



**RBC Bank™**

Public and Institutional Banking  
115 North Main Street  
Granite Falls, NC 28630  
(828) 396-1899 phone  
(828) 396-1618 fax

October 6, 2008

Randolph D. Darden  
Interim County Manager  
County of Yadkin  
217 East Willow Street  
Yadkinville, NC 27055

Dear Randolph:

RBC Bank is pleased to respond to the County's request for a loan to finance the construction of a flood control and water supply facility on South Deep Creek. We are excited about the prospects of developing a stronger partnership with the County.

Should you have any questions related to the enclosed proposal, contact me at (828) 396-1899 or [jeremy.fisher@rbc.com](mailto:jeremy.fisher@rbc.com). I look forward to hearing from you and working with you on this transaction.

Thank you in advance for your consideration.

Sincerely,

Jeremy E. Fisher  
Director  
Public & Institutional Banking

## INSTALLMENT FINANCING AGREEMENT PROPOSAL

RBC Bank is pleased to respond to your request for a loan to finance a flood control and water supply facility on South Deep Creek, as per your request. The terms and conditions of our proposal are as follows:

<b>Borrowing Entity:</b>	County of Yadkin, North Carolina (the "County")
<b>Secured Party:</b>	RBC Bank or its nominee (the "Bank")
<b>Purpose:</b>	To finance a flood control and water supply facility on South Deep Creek, as more fully described in your request (the "Project").
<b>Type of Financing:</b>	Installment Financing Agreement. The Installment Financing Agreement will include language compliant with NC General Statute Section 160A-20.
<b>Anticipated Funding:</b>	On or before November 14, 2008
<b>Amount:</b>	Not to exceed \$10,000,000.00
<b>Term:</b>	Fifteen (15) years
<b>Interest Rate:</b>	4.19%
<b>No. of Payments:</b>	Thirty (30) semi-annual payments
<b>Payment Amount:</b>	\$452,352.76 Level principal and interest (in arrears); (Attached Schedule A)
<b>Prepayment Penalty:</b>	Any prepayment of the loan will be subject to a fee of 1% of the outstanding balance.
<b>Funding:</b>	At closing, the proceeds of the loan will be placed in an Escrow Account under the Escrow Deposit Agreement.
<b>Escrow Fund:</b>	RBC Bank will set up and administer the Escrow Fund under the Escrow Deposit Agreement and invest it in RBC Bank's Public Escrow Account for the County's benefit until needed to make payments to the County for the Project Costs. Interest earnings accrued as a result of investment of the funds will be added to the balance of the Escrow Account and will be available to pay Project costs. There will be no charge for the initial set-up of this account.
<b>Title and Security Interest:</b>	Deed of Trust and/or Security Interest on the Project. RBC Bank will have a first lien position on the Project.
<b>Non-Appropriation:</b>	The County will agree that an appropriation sufficient to satisfy the debt service will be included in its budgeting proposal process.
<b>No Deficiency Judgment:</b>	In compliance with the N. C. General Statute Section 160A-20, the agreement will provide that in any action for default, no deficiency judgment may be rendered against the County.

**Tax Status:**

The proposal is subject to the County being qualified as a governmental entity or "political subdivision" within the meaning of the appropriate sections of the Internal Revenue Code. The County agrees to cooperate with RBC Bank in providing evidence as deemed necessary or desirable by RBC Bank to substantiate such tax status.

**Bank Qualification:**

The County will represent that this agreement is NOT designated as a "qualified tax-exempt obligation" under the \$10,000,000 small issue exemption as described within Section 265 of the Internal Revenue Code of 1986, as amended.

**Condition(s):**

In order for RBC Bank to provide financing for the Project, the following condition(s) must be met at or prior to closing:

1. All financing documentation, including, but not limited to, Deed of Trust, Certificates and Opinions will be subject to final satisfactory review and approval by the Bank and Bank's Counsel. Drafts of the proposed documents will be provided to the County once award of the bid has taken place.
2. Legal opinions from counsel satisfactory to the Bank concerning enforceability, validity and the tax-free nature of the transaction to the Bank shall be provided with all associated costs to be paid by the County.
3. Total Bank fees will be \$5,000.00. The County shall also be responsible for all costs associated with obtaining or providing surveys, insurance, and title insurance.
4. Satisfaction of the conditions detailed on the attached Addendum A.
5. If applicable, evidence of LGC approval.

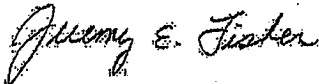
If the terms are mutually satisfactory, they will be incorporated into an Installment Financing Agreement that will be executed by the County and the Bank.

October 15, 2008	<b>Proposal Expiration:</b> The Bank must be notified by 5:00 p.m. that our bid will be recommended to the governing body for approval.
October 30, 2008	<b>Proposal Acceptance:</b> The governing body must accept the proposal by this date. Upon acceptance, please return a signed copy of this letter to RBC Bank.
November 14, 2008	<b>Funding Date:</b> The interest rate and payments will be valid for funding through this date. If this loan is not closed by the funding date, the quoted interest rate and payments are subject to change based on current market conditions, unless extended by RBC Bank.

This letter expresses the willingness of RBC Bank to seek the additional approvals necessary for this transaction and is delivered to you with the understanding that its contents will be kept strictly confidential.


A final commitment will require the prior approval of RBC Bank's credit committee, documents in an acceptable form and the negotiation of a definitive structure. Once this proposal is accepted by the governing body, please sign below and return this letter to RBC Bank.

RBC Bank



Jeremy E. Fisher  
Director  
Public & Institutional Banking

Proposal Accepted By:

Signature: 

Name: Kimberly Clark Phillips

Date: 10-20-08

## **Addendum A**

### **Real Property Requirements**

If the Financing Proposal is committed by the Bank, the County understands and agrees that the Bank shall require in form and content satisfactory to the Bank and its counsel the items marked in the following list:

- ☒ 1. **Deed of Trust** – The Installment Financing Agreement shall be secured by a first lien deed of trust ("the Deed of Trust") on the Project and improvements to the Project. The description of the Project contained in or attached to the Deed of Trust shall conform to the survey referred to in paragraph 4 below (if required). The Deed of Trust shall specify, among other things, that the Bank shall have the right to inspect the premises on reasonable notice at reasonable times.
- ☒ 2. **UCC Financing Statements** – UCC financing Statements, properly recorded, providing a first lien on equipment and other items and types of personal property now owned or hereafter acquired and located upon the property and used or useable in the operation and maintenance of the improvements;
- ☒ 3. **Title Insurance** – A title insurance policy in an amount and issued by a company acceptable to the Bank insuring the Bank's first lien position. The policy shall contain no matters objectionable to the Bank, including, without limitation, exceptions with respect to mechanics' and materialmen's liens, prior years' taxes, matters of survey, deed restrictions, etc.
- ☒ 4. **Boundary Survey.** Prior to closing a survey containing all setback and side lines, all existing or proposed buildings, and all streets, roads, rights-of-way, easements, encroachments, etc. must be provided.
- ☒ 5. **Hazard Insurance** – A hazard insurance policy to include fire, vandalism and malicious mischief, and extended coverage. The insurance policy must be in an amount sufficient to avoid co-insurance liability and equal to at least the amount of the loan. The insurance policy shall be issued by a company licensed to do business in North Carolina or through the North Carolina Association of County Commissioners Risk Management Pools or North Carolina League of Municipalities Interlocal Risk Financing Fund of North Carolina and shall contain a standard mortgagee clause designating the Bank as loss payee. As soon as construction of the improvements is completed, the policy shall be converted to a permanent fire and hazard insurance policy and shall be in an amount sufficient to avoid co-insurance liability and equal to the total replacement value or the amount of the loan, whichever is greater.
- ☒ 6. **Flood Insurance** – A flood insurance policy if the property is located in a "special flood, mudslide, or erosion hazard area." The flood insurance policy shall be in the amount of the loan or the maximum amount of coverage available, whichever is less, and shall contain a standard mortgagee clause designating the Bank as loss payee.
- ☒ 7. **Environmental** – The County shall provide to the Bank a completed Environmental Questionnaire on the form provided by the Bank or, as deemed necessary by the Bank, a Phase I Environmental Survey.



## Schedule A

County of Yadkin

Compound Period  
Nominal Annual RateSemiannual  
4.19%

	Event	Start Date	Amount	Number	Period	End Date
1	Loan	14-Nov-08	10,000,000.00	1		
2	Payment	14-May-09	452,352.76	30	Semiannual	14-Nov-23

## AMORTIZATION SCHEDULE - Normal Amortization 360 Day Year

	Date	Payment	Interest	Principal	Balance
Loan	14-Nov-08				10,000,000.00
1	14-May-09	452,352.76	209,500.00	242,852.76	9,757,147.24
2009 Totals		452,352.76	209,500.00	242,852.76	
2	14-Nov-09	452,352.76	204,412.23	247,940.53	9,509,206.71
3	14-May-10	452,352.76	199,217.88	253,134.88	9,256,071.83
2010 Totals		904,705.52	403,630.11	501,075.41	
4	14-Nov-10	452,352.76	193,914.70	258,438.06	8,997,633.77
5	14-May-11	452,352.76	188,500.43	263,852.33	8,733,781.44
2011 Totals		904,705.52	382,415.13	522,290.39	
6	14-Nov-11	452,352.76	182,972.72	269,380.04	8,464,401.40
7	14-May-12	452,352.76	177,329.21	275,023.55	8,189,377.85
2012 Totals		904,705.52	360,301.93	544,403.59	
8	14-Nov-12	452,352.76	171,567.47	280,785.29	7,908,592.56
9	14-May-13	452,352.76	165,685.01	286,667.75	7,621,924.81
2013 Totals		904,705.52	337,252.48	567,453.04	
10	14-Nov-13	452,352.76	159,679.32	292,673.44	7,329,251.37
11	14-May-14	452,352.76	153,547.82	298,804.94	7,030,446.43
2014 Totals		904,705.52	313,227.14	591,478.38	
12	14-Nov-14	452,352.76	147,287.85	305,064.91	6,725,381.52
13	14-May-15	452,352.76	140,896.74	311,456.02	6,413,925.50
2015 Totals		904,705.52	288,184.59	616,520.93	
14	14-Nov-15	452,352.76	134,371.74	317,981.02	6,095,944.48
15	14-May-16	452,352.76	127,710.04	324,642.72	5,771,301.76
2016 Totals		904,705.52	262,081.78	642,623.74	
16	14-Nov-16	452,352.76	120,908.77	331,443.99	5,439,857.77
17	14-May-17	452,352.76	113,965.02	338,387.74	5,101,470.03
2017 Totals		904,705.52	234,873.79	669,831.73	

18	14-Nov-17	452,352.76	106,875.80	345,476.96	4,755,993.07
19	14-May-18	452,352.76	99,638.05	352,714.71	4,403,278.36
2018 Totals		904,705.52	206,513.85	698,191.67	
20	14-Nov-18	452,352.76	92,248.68	360,104.08	4,043,174.28
21	14-May-19	452,352.76	84,704.50	367,648.26	3,675,526.02
2019 Totals		904,705.52	176,953.18	727,752.34	
22	14-Nov-19	452,352.76	77,002.27	375,350.49	3,300,175.53
23	14-May-20	452,352.76	69,138.68	383,214.08	2,916,961.45
2020 Totals		904,705.52	146,140.95	758,564.57	
24	14-Nov-20	452,352.76	61,110.34	391,242.42	2,525,719.03
25	14-May-21	452,352.76	52,913.81	399,438.95	2,126,280.08
2021 Totals		904,705.52	114,024.15	790,681.37	
26	14-Nov-21	452,352.76	44,545.57	407,807.19	1,718,472.89
27	14-May-22	452,352.76	36,002.01	416,350.75	1,302,122.14
2022 Totals		904,705.52	80,547.58	824,157.94	
28	14-Nov-22	452,352.76	27,279.46	425,073.30	877,048.84
29	14-May-23	452,352.76	18,374.17	433,978.59	443,070.25
2023 Totals		904,705.52	45,653.63	859,051.89	
30	14-Nov-23	452,352.76	9,282.51	443,070.25	0.00
2024 Totals		452,352.76	9,282.51	443,070.25	
Grand Totals		13,570,582.80	3,570,582.80	10,000,000.00	

Last interest amount increased by 0.19 due to rounding.

OPTIONAL COVERAGE RELOCATION PLAN RESOLUTION  
YADKIN COUNTY, NORTH CAROLINA

A Resolution Authorizing the Adoption of a Relocation Plan for the Yadkin County Community Development Block Grant Program.

Be it resolved by the Board of Commissioners of Yadkin County, North Carolina, that:

WHEREAS, Yadkin County is participating in the Community Development Block Grant Program under the Housing and Community Development Act of 1974, as amended, administered by the North Carolina Department of Commerce; and

WHEREAS, the relocation of individuals and families is an eligible activity under this program;

WHEREAS, Yadkin County has been allocated funds under Title I of the Housing and Community Development Act of 1974; and

WHEREAS, it is the objective, spirit and intent of the Community Development Block Grant to achieve the revitalization of neighborhoods through improvements of housing conditions for low and moderate income citizens; and

WHEREAS, the rehabilitation of some dwelling units is so extensive that the work cannot be accomplished without temporarily dislocating the residents from their properties; and

WHEREAS, some occupied dwelling units are unfit for human habitation, financially and structurally not feasible for rehabilitation and require demolition; and

WHEREAS, it is often undesirable to permanently dislocate some residents from their properties, change their status from homeowners to tenants, or increase their financial burden for housing costs; and

WHEREAS, Section 105(a)(11) of the Housing and Community Development Act of 1974, as amended, permits a CDBG grantee to design and administer an "Optional coverage" relocation program which can provide benefits to displace dilapidated units which are subject to removal through local code enforcement activities (without real property acquisition), voluntary demolition, or provide assistance to residents that are temporarily dislocated from their properties; and


WHEREAS, such relocation benefits must be utilized by the qualified recipient to obtain standard housing, cover moving expenses and related costs for those individuals displaced by grant activities; and

WHEREAS, an Optional Coverage Relocation Plan has been prepared and has been reviewed by the Board of Commissioners of Yadkin County; and


WHEREAS, it is the desire of Yadkin County to foster such worthy objectives with the Community Development Block Grant Program.

THEREFORE, BE IT RESOLVED that the Board of Commissioners of Yadkin County, North Carolina hereby adopt the attached policy of Optional Coverage Relocation Plan, as set forth in Section 105 (a)(11) of the Housing and Community Development Act of 1974, as amended. Such plan is to cover any and all financial obligations incurred during any necessary relocation of affected citizens.

Adopted this 20<sup>th</sup> day of October, 2008.

  
\_\_\_\_\_  
Chairman, Yadkin County  
Board of Commissioners

ATTEST:

  
\_\_\_\_\_  
Clerk

**Optional Coverage Relocation Benefits Policy**

**For**

**Yadkin County, North Carolina**

## 1. Organization and Administration

Northwest Piedmont Council of Governments will administer and coordinate all relocation activities (temporary and permanent) resulting from Community Development activities. Relocation assistance and payments will be provided to individuals and families displaced as a result of Community Development housing code enforcement, Voluntary Demolition, or other Community Development Activities that are not otherwise covered by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (hereinafter referred to as the "Uniform Act").

## 2. Eligibility

Individuals and families residing in the Community Development Block Grant Project Area, that are displaced as a direct result of housing activities or other community development activities and which have unmet, long-term relocation needs are eligible to receive assistance. In addition, eligibility of the individual or family must have been established and documented prior to the provision of financial assistance under this plan. Families who are permanently displaced due to unanticipated events such as fires, floods or other man-made or natural disasters may also be eligible if they resided in the Community Development Block Grant Project Area identified in the application for grant assistance at the time of the disaster.

## 3. Authority

Optional relocation benefits are authorized by the Uniform Relocation Assistance and Real Property Acquisition Policies Act and the interim rule which describes the "Act".

## 4. Assistance to be Provided

The following optional relocation coverage relocation policy is to be used during the implementation of the Community Development Block Program. All persons displaced in accordance with this policy shall be provided relocation assistance in accordance with guidelines outlined under 49 CFR 24, "Uniform

Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Program", except as outlined below:

- a) Displaced person A displaced individual is someone whose home, which is located within Yadkin County, is determined to be in a condition too dilapidated to be economically feasible to rehabilitate and will be demolished. This can also include a person temporarily displaced as a result of program activities such as housing rehabilitation.
- b) Initiation of Negotiations The term "initiation of negotiations" shall be defined under this policy to mean the date the Notice or Relocation Eligibility is issued to the occupant.
- c) Comparable Replacement Dwelling The term "comparable replacement dwelling", as defined under 49 CFR 24, shall be redefined under this policy to mean a dwelling in which is (1) decent, safe, and sanitary as defined in 49 CFR 24.2(a)(8); (2) functionally equivalent to displacement dwelling; (3) adequate in size to accommodate the occupants; (4) on a site not subject to adverse environmental conditions; (5) in a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, commercial and public facilities, and reasonably accessible to the person's place of employment; (6) on a site that is typical in size for residential development with normal site improvements including customary landscaping. The site will not include special improvements such as outbuildings, swimming pools, or greenhouses; (7) currently available to the displaced person in the private market; however, a government subsidized dwelling unit will be considered comparable if it meets standards (1) through (6) above and the displacement dwelling is government subsidized and (8) within the financial means of the displaced person, as defined under 49 CFR 24.29. Circumstances permitting temporary relocation and basic conditions of an emergency move will be followed in accordance with 49 CFR 24.203(c)(4) and 49 CFR 24.204(b) and (c).
- d) Relocation Notices A "Notice of Relocation Eligibility" outlining all information described under 49 CFR 24.203 (a) and (b) will be sent by certified mail or hand delivered to all displaced individuals concurrently with, any letter or document initiating negotiations for the displacement dwelling. Additionally the Community Development Administrator will, in

all cases, precede the initiation of negotiations with a documented personal interview with the individual to be displaced. Ninety-day notices shall be prepared in issued in accordance with 49 CFR 24.203(c).

e) Level and amounts of CDBG assistance available to eligible individuals and families shall include the following limits:

- 1) Homeowner Replacement Housing Payment—eligible homeowners, as defined by 49 CFR 24.401 (a) may receive a replacement housing payment, as computed in accordance with 49 CFR 24.401.
- 2) Down-payment Assistance — down-payment assistance for eligible tenants or homeowners as defined by 49 CFR 24.402(a) may be received in an amount equal to the relocation benefits, as computed in accordance with 49 CFR 24.402(6), for at tenant or homeowner.
- 3) Rental Assistance — eligible tenants as defined by 49 CFR 24.402(a) may receive an amount for rental assistance as computed in accordance with 49 CFR 24.402(b).
- 4) Moving Expenses — an eligible individual or family may receive moving and related expenses as calculated in accordance with 49 CFR 24302 (see tablet)
- 5) Eligible individuals or families may receive assistance in the form of relocation planning, advisory and coordination services consistent with those described in Section 24.205 of the URA. These shall include, but not be limited to, the provision of transportation as deemed necessary and reasonable to support the relocation, assistance in submitting claims for payment, counseling and education on relocation regulations and coordinating these activities with existing social service



and economic assistance programs as they are available.

- 6) Eligible tenants may elect assistance as described in Section 104(d) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act and further described in Sections 570.496.a(b) and 570.606(b) of the interim rule. Their rental assistance provided for relocation under this section is as follows:
  - i. A choice between actual reasonable moving expenses as described in 24 CFR 42.301(b) (1) or a fixed expense as described in 24 CFR 42302. See Table 1 below for the North Carolina fixed expense schedule as prepared by the US Department of Transportation.
  - ii. Advisory Services as described in 24 CFR. Part 42, Subpart C.
  - iii. Reimbursement for reasonable and necessary security deposit and credit checks.
  - iv. Replacement Housing Assistance — A person choosing to rent must be offered either (1) a Section 8 housing voucher (through the housing authority) and referrals to comparable replacement dwelling unit where the owner agrees to participate in the Section 8 Program or (2) cash rental assistance to reduce the rent and utility costs to 30% of his/her income (adjusted, as determined by grantee/recipient) for a 5-year period and appropriate referrals to comparable replacement dwellings.
- f) To prevent "windfall", rental assistance payments to tenants who pay little or no rent, the following procedure will be utilized:
  - 1) Prior to computing rental assistance the Community Development Administrator will determine the fair market rent for the displacement dwelling. If the existing rent is above 75% of the fair market rent the existing rent shall be used to compute the rental

assistance payment. However, if the existing rent is less than 75% of the fair market rent, the fair market rent shall be used to compute the rental assistance payment.

- 2) In situations where fair market rent is utilized to compute the rental assistance payment and the tenant's non-subsidized total monthly housing cost is not affordable after relocation, the rental assistance payment shall be increased to the extent necessary to insure an affordable monthly housing cost (ie., total non-subsidized housing costs less than 30% of gross income).
  - 3) Actual rent may be used for tenants paying little or no rent if the use of fair market rent would create an undue hardship and prevent the person from obtaining comparable standard replacement housing.
- g) Owner-occupants of displacement mobile homes situated on a rented site are eligible for down-payment assistance for purchase of a new mobile home site in lieu of a rental assistance payment, in addition to a replacement housing payment, if a comparable rental site cannot be located on a timely or cost effective basis.
- h) If such assistance as prescribed in the above sections is not sufficient to completely relocate a household in accordance with the Uniform Relocation Assistance and Real Property Acquisition Regulations (49 CFR 24), the grantee/recipient may provide additional assistance as outline in 49 CFR 24404, Replacement Housing of Last Resort.

## 5. Affirmative Action for Low Income and Minority Persons

All Relocation assistance provided under this plan will be undertaken in a nondiscriminatory manner. Any Low-income or minority individual or family assisted under this plan shall not be required to move to an area

or low-income and/or minority concentration as a condition of receiving relocation assistance, unless they have been given opportunities to relocation to a comparable replacement dwelling that is not located in an area of low-income and/or minority concentration, if such opportunities are available.

## 6 Temporary Relocation

Rehabilitation shall be conducted without relocation of the affected occupants to the greatest extent feasible. Should relocation be necessary and should available temporary housing be substandard by the above definition, the minimum standards set forth shall not apply. Such relocation shall be accomplished at the minimum feasible cost. Of the two moves involved, (out of and back into the rehabilitated structure) one may be financed under a Fixed Payment for Moving Expenses as described below. Temporary relocation payments will be limited to cover only those expenses that would not otherwise be normal to the relocatee. That is to say, expenses that are directly related to the temporary relocation and which are above and beyond the normal expenses incurred by the relocatee. These would include, but not be limited to, reasonable expenses for lodging for the period of dislocation, travel expenses to and from the lodging or other temporary relocation site, costs for temporary storage of household belongings.. This would not include reimbursement for expenses that would otherwise be incurred (meals, normal travel, etc.) Relocatees are required to submit receipts to the County documenting the expenses for which they are requesting reimbursement.

## 7. Relocation Record-keeping

Complete records, documents, and justification for payments made pursuant to this plan shall be maintained in accordance with the guidelines under 49 CFR 24.9 of the "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs".

## 8. Complaint Procedure

Yadkin County conforms to standard, ethical practices in the relocation of individuals and families and desires to see that all interests are protected. If there are any questions or complaints, Yadkin County solicits the cooperation of all owners and requests an opportunity to discuss them in an effort to satisfy all parties concerned. The County has adopted the following Complaint Procedure:

Citizens may make comments at any point in the program including planning, implementation, and closeout. Yadkin County will respond in writing to written citizen comments. Citizen comments should be mailed to the Yadkin County Manager, PO Box 146, Yadkinville, NC 27055. The County will respond to all written comments within ten (10) calendar days of receipt of the comments.

Should any individual, family, or entity have a complaint concerning the Yadkin County Community Development Block Grant Program, the complaint should first be discussed with the Project Manager. ALL EFFORTS SHOULD BE EXHAUSTED TO RESOLVE THE COMPLAINT AT THIS LEVEL.

If the complaint cannot be resolved in this manner, a meeting with the Yadkin County Manager to discuss the complaint should be requested. The request should be in writing and should briefly outline the complaint. A meeting date and time will be established within five (5) calendar days of receipt of the request. Upon meeting and discussing the complaint, a reply will be made, in writing within five (5) calendar days.

If the citizen is dissatisfied with the local response, they may write to the North Carolina Department of Commerce, Division of Community Assistance (DCA.), 4313 Mail Service Center, Raleigh, NC 27699-4313. DCA will respond only to written comments within ten (10) calendar days of the receipt of the comments.